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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/869,589 06/05/97 STROLLE

C SAR-12082

Pb.

EXAMINER

LM01/0925

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ART UNIT

PAPER NUMBER

2734

16

DATE MAILED:

09/25/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Advisory Action**Application No.  
**08/869,589**

Applicant(s)

**Strolle**

Examiner

**Kevin M. Burd**

Group Art Unit

**2734**

THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☐ expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on \_\_\_\_\_ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Sep 11, 2000 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

- ☐ The proposed amendment(s):
- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
  - ☐ will not be entered because:
    - ☐ they raise new issues that would require further consideration and/or search. (See note below).
    - ☐ they raise the issue of new matter. (See note below).
    - ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
    - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ☐ Applicant's response has overcome the following rejection(s):

\_\_\_\_\_  
\_\_\_\_\_

- ☐ Newly proposed or amended claims \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
see Response to Arguments attachment
- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):  
Claims allowed: 11  
Claims objected to: 2-8, 13, and 14  
Claims rejected: 1, 9, 10, 12, 15, and 16
- ☐ The proposed drawing correction filed on \_\_\_\_\_ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Other

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## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 9/11/2000 have been fully considered.

A clarification of statements made in the Request for Reconsideration filed 9/11/2000 must be made at this time. Applicant's representatives state the Examiners tentatively agreed that the Norrell's teachings of adapting the bandedge filters to compensate for the bandedge signal distortion was different from the Applicant's use of a "pre-equalizer" to accomplish bandedge amplitude adjustment. This is not entirely correct. The Examiners stated that a more detailed examination of the Norrell reference was required than was possible to be conducted during the interview conducted on 8/31/2000 to determine if the instant application was patentable over the Norrell and Gitlin references. A more detailed examination of these references has been conducted and The rejections under 35 USC § 102 as being anticipated by Norrell have been upheld and the rejections under 35 USC § 103 in view of Gitlin have been withdrawn.

The applicant is arguing that the prior art (Norrell US 5,793,821) is missing a pre-equalizer for adjusting the amplitudes of the bandedges of a broad band signal in response to a control signal as stated in claim 1 and the step of adjusting the amplitudes of the bandedges of said broadband signal in response to a control signal as stated in claim 12.

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The point of the Norrell invention is to delay the upper and lower bandedge signals. Figure 5 shows the compensation for differential delay distortion at the upper and lower bandedges to compensate for amplitude distortion on the communication channel (col. 7 line 65 to col. 8 line 2). In the background of the invention discloses problems with the prior art. In column 2 line 37-39, it is stated that there is substantial rolloff (reduced signal strength) induced by the telephone transmission line. This is one of the advantages of the Norrell reference. By changing the delays in the bandedges, this problem would be overcome. The signal strength would not be reduced and the amplitude would be adjusted.

Item 530 in figure 5, provides coefficients to the interpolation filter 504 which changes the delay characteristics in the interpolation filter. This "control signal" is fed from the coefficient computation unit to the interpolation filter.

For clarification the instant application elements have been matched with the equivalent Norrell elements below:

<u>instant application element</u>	<u>Norrell element</u>
pre-equalizer	Timing interpolation filter (fig.5 item 504) and Receiver equalizer (fig. 5 item 506)
bandedge filter	Bandedge filters (figure 5 items 508 and 512)
bandedge signal processor	elements 518-530 shown on figure 5

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control signal

signal from coefficient computation unit 530 on  
fig. 5 to the timing interpolation filter item 504

The adjusting of the amplitude of the bandedges in response to the control signal is indirectly done. By sending the coefficients to the timing interpolation filter from the coefficient calculation unit, the delay values in the lower and upper bandedges are altered. By adjusting this delay value, the amplitude distortion of the signals (including roll-off values) are compensated for. This compensation is equal to adjusting.

The rejection of claims 1, 9, 10, 12, 15 and 16 under 35 USC § 103 in view of Gitlin have been withdrawn.

In view of the above information, the status claims 1-16 pending in the instant application are as follows:

Claims 1, 9, 10, 12, 15 and 16 have been rejected.

Claims 2-8, 13 and 14 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 11 is allowed.

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**Contact Information**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Burd, whose telephone number is (703) 305-4885. The Examiner can normally be reached on Monday-Thursday from 9:00 AM - 5:00 PM. The examiner can also be reached on alternate Friday.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4900.



Kevin M. Burd  
PATENT EXAMINER  
September 21, 2000

  
TEMESGHEN GHEBRETINSAE  
PRIMARY EXAMINER